

### **STATUS OF THE CLAIMS**

Claims 1, 4-9, 12-16, 24, 28, 31-33, and 55-68 are pending in the Application.

Claims 1, 4-9, 12-16, 24, 28, 31-33, 55, and 66-68 have been rejected by the Examiner.

Claims 56-65 had been previously withdrawn, without prejudice, herein.

Claims 2-3, 10-11, 25-27, 29-30, 34-54 and 68 have been cancelled, without prejudice, herein.

Claims 1, 9, 24, 28, 55 and 66-67 have been amended, without prejudice, herein.

### **REMARKS**

Reconsideration of the present Application is respectfully requested.

### **Claim Rejections Pursuant to 35 U.S.C. §103**

Claims 1, 4-8, 14-16, 24, and 31-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner (EP 380 727) in view of Assisi (U.S. Patent No. 5,696,488). Claims 9, 12-13, 28, 55, and 66-68 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner. Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *MPEP 706.02(j)*.

Applicant respectfully submits that neither Weiner nor Assisi, alone or in combination, teaches or suggests each of the elements of amended independent claims 1, 9, 24, 28, 55, 66 and 67. Specifically, Weiner and Assisi each fail to teach or suggest 1) a system wherein the memory device is powered via a data line at least while the memory device is positioned at its respective location and actively connected to the portable device; and 2) a memory device having RAM for receiving data loaded from the portable device.

Regarding the teaching of Assisi, the memory device, which Applicant notes is not even affixed to the gravestone, draws its power from a designated energy source, denoted in Figure 1 as Energy Source 8 (Assisi, Figure 1). Regarding the teaching of Weiner, the memory unit either contains its own designated energy source, such as Power Supply Unit 125 or 135 in Figures 10 or 11, respectively (Weiner, Figures 10 and 11), or the designated

energy source is located in the sound producing unit, where the circuitry is designed for separate dedicated pathways for power and for data transfer (Weiner, Col. 4, lines 31-43; see also Figures 2, 8 and 9). This is in stark contrast to the present invention as claimed, in that the memory device is powered via the data line. This type of system is a “parasitic power” or “one-wire” system, where the device receives its power directly from the data line. The use of parasitic power for the present invention provides significant benefits over designated energy sources, in that designated energy sources in the memory device would need constant replacement, and because the memory device is typically located in a remote or difficult to reach location, such constant replacement would be inefficient, expensive and time consuming. Parasitic power is also more advantageous over passive devices incorporating separately dedicated power and data lines, in that such separation requires either multiple power sources, or at the very least requires more complicated circuitry within the portable device to direct power to both the portable device and the memory device. Support for these amendments can be found in the Specification at page 5, where the system uses a parasitic power device for power and system memory (See Specification at page 5, lines 6-27).

Additionally, Applicant notes in earnest that Weiner and Assisi each fail to teach or suggest a system where the memory device includes RAM for receiving data from the portable device. As explained in the disclosure of Weiner, the storage device “is a read-only memory (ROM), since the message is a fixed one for the particular article displayed.” (Weiner at col. 4, lines 52-55). The storage device of Weiner lacks the RAM necessary for uploading and storing data therein. The portable device is not capable of loading such information onto the non-existent programmable RAM of the memory device in Weiner,

and consequently, Weiner does not teach or suggest any uploading of data from the portable device to the memory device. Therefore, Weiner ***does not and cannot*** disclose a system comprising a portable device capable of loading information onto the memory device, and storing the loaded information internally within the programmable RAM of the memory device, and in fact teaches away from the present invention. Likewise, the disclosure of Assisi does not teach or suggest: a memory unit having programmable RAM; a portable device capable of loading the information onto the memory device; and storing the information internally within the random access memory of the memory device.

Furthermore, Applicant respectfully submits the Examiner has drastically overstated the obviousness of the concept of uploading information into the RAM of the present invention, in stating that it “would have been obvious ... to utilize [RAM] in the memory device in order to provide a rewriting capability so that information can be periodically updated if necessary.” (April 18, 2006 Office Action, pages 5, 10) For example, Weiner describes the portable device as a “sound producing unit” (Weiner, Figures 8-11), where the portable device is suggested to be nothing more than a device for playing a recording. Weiner never once teaches or suggests the idea of the sound producing unit to upload any data anywhere. Further, because Weiner actually teaches the portable device having RAM and **not** the memory unit, means Weiner was well aware of the existence of RAM, and specifically did not include RAM in the memory unit, because the system of Weiner was a read only memory played by the sound producing unit.

Applicant reminds the Examiner that the present system is related to substantially inaccessible objects and/or locations, and to memorial or dedication-type information. Systems involving this sort of environment deal with information or instructions that

previously have been thought necessary to have fixed, or unchangeable (See Assisi). For example, when a deceased person has his/her information loaded to the storage device, it is thought of as memorializing that person, and therefore the information was, in the prior art, not to be edited or changed in any way. ***The present invention provides a novel system that allows a user to easily change that information, or add information, as needed at later points in time, in a very simple manner and without disrupting the memorial object or location itself.*** For example, a single user might visit multiple national monuments in Washington, D.C., upload that the user made those visits, and a second user can download, via the claimed invention, that the first user had previously visited. ***Such operation solves a long felt need not solved in the prior art,*** and such need is clearly not met by any combination of Weiner and Assisi. Therefore, to simply state that the concept of uploading information into the RAM of the present invention from a portable device is obvious is incorrect and not evidenced by the prior art cited, and such uploading is contemplated in the specific memorialized environments recited in the claims.


Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 9, 24, 28, 55, and 66-67. Applicant submits at least claims 1, 9, 24, 28, 55, and 66-67 are patentably distinguishable over Weiner and Assisi, at least because neither reference, alone or in combination, teach or suggest a system wherein the memory device is powered via a data line at least while the memory device is positioned at its respective location and actively connected to the portable device, and further, a memory device having RAM for receiving data loaded from the portable device, as recited in amended claims 1, 9, 24, 28, 55 and 66-67. Applicant further submits that claims 4-8, 12-16 and 31-33 are similarly distinguishable over the prior art of record,

at least by virtue of their ultimate dependency from a patentably distinct base claim 1, 9, or 28.

**Conclusion**

Applicant respectfully requests reconsideration of the present Application in light of the reasons set forth herein, and a Notice of Allowance for all pending claims is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Justin C. Allen", written over a horizontal line.

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